

REMARKS/ARGUMENTS

The office action of March 2, 2009 and the Advisory Action dated May 26, 2009 have been carefully reviewed and these remarks are responsive thereto. The Examiner's insight in the Advisory Action is appreciated, and the claims have been amended accordingly.

Reconsideration and allowance of the instant application are respectfully requested. Claims 1-4, 6, 8-11, 14-22, 25 and 26 remain in this application. Claims 5, 7, 12, 13, 23, 24, and 27-30 are canceled.

Rejection of the Claims

Claims 1-6, 8-11, 14-22, and 24 remain rejected as the specification is not enabling for the terms solvate or hydrate of formula I. In order to advance prosecution, the terms solvate and hydrate have been deleted from claims 1 and 18. Withdrawal of this rejection is requested.

Applicant does not consider that solvates and hydrates are different chemical forms of a compound of formula I. Instead, solvates and hydrates are different physical forms of the compound. Certainly a solvate or a hydrate of a compound of formula I still requires the compound of formula I, and therefore incorporates the invention defined by the now amended claims. Thus, one producing a solvate or hydrate of a compound of formula I makes use of that invention.

As the skilled practitioner recognizes, a hydrate is a molecule, for example the claimed molecule, in combination with a specific number of water molecules arranged in a particular fashion around the molecule. The solvate is a molecule, for example the claimed molecule, associated with a specific number of solvent molecules arranged in a particular fashion around the claimed molecule. Regardless of the physical form, the compound is still present.

Claims 24 and 26 stand rejected under 35 USC 112, first paragraph, as allegedly the specification is not enabling for the prevention of arthritis and osteoarthritis. Claim 24 has been amended to delete the term "prophylaxis." Withdrawal of this rejection is requested.

Claims 1-6, 8-11, 14-22, 24, and 26 stand rejected as indefinite. The undersigned appreciates the comments in the Advisory Action concerning the optional substituents for Ar.

Accordingly, claim 1 has been amended to recite the optional substituents for Ar based on claim 5. Claim 5 has been canceled. Claim 1 was also revised to use the terms R^C and R^D for the optional substituents other than for Ar to avoid confusion. .

The specification provides support as to what is meant by “substituted” in paragraphs [0020] and [0026] of the publication as well as original claim 5. Withdrawal of this rejection is requested.

CONCLUSION

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: June 2, 2009

By: /Susan A. Wolffe/
Susan A. Wolffe
Registration No. 33,568

1100 13th Street, N.W., Suite 1200
Washington, D.C. 20005-4051
Tel: (202) 824-3000
Fax: (202) 824-3001